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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/832,510	
	Filing Date	April 10, 2001	
	First Named Inventor	Rose, Larry	
	Group Art Unit	1642	
	Examiner Name	Huff, Sheela Jitendra	
Total Number of Pages in This Submission	3	Attorney Docket Number	023070-087910US

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ENCLOSURES (check all that apply)

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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

Communication under 37 CFR §§ 1.821-1.825 and Amendment mailed concurrently to Box Sequence, P.O. Box 2327, Arlington, VA 22202.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Laurence J. Hyman	Reg. No. 35,551
Signature		
Date	5/28/02	

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On May 28, 2002
TOWNSEND and TOWNSEND and CREW LLP
By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROSE et al.

Application No.: 09/832,510

Filed: April 10, 2001

For: ANTIGENIC EPITOPES WITH
LYM-1 REACTIVITY AND USES
THEREOF

Examiner: Huff, Sheela Jitendra

Art Unit: 1642

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respond herein to the Restriction Requirement mailed April 26, 2002 (the "Requirement"). No fees are believed to be due in connection with this Response; if, however, any fees are in fact due, the Commissioner is authorized to deduct them from Deposit Account 20-1430.

Applicants hereby elect Group I, claims 7-18, with traverse.

Applicants traverse the restriction. The Requirement states that two inventions are unrelated if it can be shown that they have different modes of operation, different functions, or different effects. The Requirement, however, does not show any of these things. It merely makes conclusory statements that the groups "are directed to different methods and involve the use of different reagents and have different steps." Applicants respectfully observe that these conclusory statements do not make a *prima facie* case that the methods have different modes of operation, different functions, or different effects. The fact that two methods may use different reagents, or have different steps, says nothing at all about the modes of operation, functions or effects of the methods. PCR, for example, would still seem to be conducted to amplify target nucleic

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acids whether the reagent used is *Taq* polymerase or a polymerase first isolated from another thermophile. The fact that two methods have different steps is clearly to be expected, since otherwise the methods would be the same. It does not, by itself, show the methods have different operations, functions, or effects.

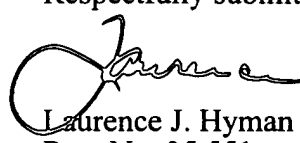
While the foregoing is sufficient to show that the requirement has not set forth a *prima facie* case, for the sake of good order, Applicants note that the Restriction is also deficient because it fails to show that there would be a serious burden on the Examiner to examine the claims together. MPEP § 803 requires examiners to examine claims together unless to do so would impose a serious burden on the examiner. The Requirement fails even to allege, let alone to show, that examining all the claims together in this application would impose a serious burden on the Examiner.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Laurence J. Hyman
Reg. No. 35,551

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